

**CITY UTILITIES COMMITTEE**

**MINUTES**

**JANUARY 27, 2009**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, January 27, 2009 at 9:22 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Carla Smith, Chair**  
**The Honorable Natalyn M. Archibong**  
**The Honorable Clair Muller**  
**The Honorable Howard Shook**  
**The Honorable Ivory L. Young, Jr.**  
**The Honorable Joyce Sheperd**

The following member was absent:

**The Honorable Ceasar C. Mitchell, Vice-Chair**

Others present at the meeting were: M. Theresa Stewart, Renee Sheperd and Stephanie Grant, Law Department; Deputy Commissioners Sheila Pierce and George Barnes, Department of Watershed Management; James Swope and Madelyn Grant, Department of Public Works; Cathy Martin, Office of Procurement; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:22 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA - AMENDED TO ADD ONE RESOLUTION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. COMMUNICATIONS**

09-C-0118 ( 1) A Communication by Mayor Shirley Franklin appointing **Ms. Katrice Hatten** to serve as a member of the People TV Board of Directors for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**(Councilmember Smith made a motion to hold.)**

**HELD**

**COMMUNICATIONS (CONT'D)**

- 09-C-0119 ( 2) A Communication by Mayor Shirley Franklin appointing **Mr. Tony McCann** to serve as a member of the People TV Board of Directors for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL**

**E. ORDINANCES FOR SECOND READING**

- 09-O-0006 ( 1) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (Water and Wastewater Renewal and Extension Fund (5052 – 2J21) Commercial Paper Series I) in the amount of the \$1,423,750.00 to transfer funds from the Capital Projects Reserve for Appropriations and add to appropriations for land and easement accounts for the following Projects; Camp Creek Basin Relief, Proctor Creek Basin Relief, South River Basin Relief, Sandy Creek Basin Relief, Custer Ave. (Stockade) Sewer Separation, Fairburn Road Pump & Water Mains and South-West Main Improvements; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

- 09-O-0007 ( 2) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (Water and Wastewater Renewal and Extension Fund (5052 – 2J21) Commercial Paper Series I) in the amount of the \$4,443,440.00 to transfer funds from appropriations in Sewer Group 1 Rehabilitation (Land & Easement) and Sewer Group 2 Rehabilitation (Land & Easement) Accounts and add to the Capital Projects Reserve for use on other Capital Projects; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

**F. RESOLUTIONS**

- 09-R-0123 ( 1) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with United Consulting for, FC-7449-02B, Annual Contact for Geotechnical and Environmental Engineering, Testing and Investigation Services, for the Services for the Sanitary Sewer Evaluation Services Rehabilitation Program, in an amount not to exceed \$1,592,082.00; all contracted work will be charged to and paid from Fund, Department, Organization and Account Number: 5052 (Water & Wastewater Renewal & Extension Fund) 170215 (DWM Wastewater Sewer Repair) 5212001 (Consulting/Professional Services) 4333000 (New Sewer Services) and Project Account Task Expense and Organization Number 17102650/101/505281387/5212001/City of Atlanta; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

- 09-R-0124 ( 2) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate agreement with WUS-BPA, Joint Venture, LLC for, FC-4084, Valve and Hydrant Asset Assessment Program on behalf of the Department Watershed Management in an amount not to exceed \$28,964,143.00 all contracted work shall be charged to and paid from Fund, Department, Organization and Account Number 5058 (2004 Water & Wastewater Bond Fund) 170408 (DWM Drinking Water Engineering Service) 5999999 (Projects and Grants Budget-Summary) 4440000 (Distribution) and Project Account Task Expense and Organization Number 17102888.101.505821445.5212001 COA for the Base Term in the amount of \$10,590,563.00, the second year in the amount of \$8,970,808.00 and the final year 3 in the amount \$9,402,772.00; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE (1 NAY) ARCHIBONG**

**RESOLUTIONS (CONT'D)**

09-R-0125 ( 3)     A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 4 with Advanced Disposal Services, Inc., for FC-7650-04A, Annual Contract for Disposal of Municipal Solid Waste, on behalf of the Department of Public Works, for an amount not to exceed \$100,000.00 with all contracted work being charged to and paid from Fund, Department and Center Number: 5401 (Solid Waste Services Revenue Fund) 130218 (Disposal-Landfill) 5212001 (Consultant/Prof. Services) or Successor Account; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

09-R-0126 ( 4)     A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 4 with Republic Services of Georgia, LP, for FC-7650-04B, Annual Contract for Disposal of Municipal Solid Waste, on behalf of the Department of Public Works, for an amount not to exceed \$200,000.00 with all contracted work being charged to and paid from Fund, Department and Center Number: 5401 (Solid Waste Services Revenue Fund) 130218 (Disposal-Landfill) 5212001 (Consultant/Prof. Services) or Successor Account; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

**G.     PAPERS HELD IN COMMITTEE**

06-O-0937 ( 1)     An Ordinance by Councilmember Clair Muller as substituted by City Utilities Committee to amend Article VII of Chapter 74 entitled "*Riparian Buffer Requirements*"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes.  
**(Referred by back Council 10/20/08) (Held 10/28/08 at the request of the author)**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-R-1214 ( 2)     A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**
- 07-O-1521 ( 3)     An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**
- 07-O-2505 ( 4)     An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. **as amended by City Utilities Committee** amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**
- 07-O-2604 ( 5)     An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-O-2605 ( 6)     An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**
- 08-O-0481 ( 7)     An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**
- 08-O-1000 ( 8)     An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes. **(Held 5/13/08 for further review.)**
- 08-O-1213 ( 9)     An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell to amend Chapter 130, Solid Waste Management Division 1, Section 130-37(b)(6) by deleting subsection (d). **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-O-1215 (10)     An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell requiring the initiation of a Pay-As-You-Throw or Volume-Based Billing Collection Program for Solid Waste Services in the City of Atlanta. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1217 (11) An Ordinance by Councilmember Clair Muller eliminating "Front Footage" billing on Solid Waste Services Bill and adding to the bill an amount for "Common Good Services" citywide for right-of-way cleaning where needed. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-R-1445 (12) A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$\_\_\_\_\_ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards \_\_\_\_\_ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 7/15/08) (Dummy paper)**
- 08-O-1689 (13) An Ordinance by Councilmember Carla Smith authorizing a new appraisal for the purchase by the City of a twelve foot (12') strip of land along the rear property line of 1144 and 1200 Avondale Avenue, lying and being in Land Lot 23 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Held 8/26/08 for further review)**
- 08-O-1922 (14) An Ordinance by City Utilities Committee authorizing the Mayor to enter into an Agreement to allow Vulcan Materials Company, LP to access the property known as the Bellwood Quarry to fulfill its reclamation obligations to the State of Georgia and the City of Atlanta; and for other purposes. **(Held 10/28/08 at the request of the department.)**
- 08-O-2139 (15) An Ordinance by Councilmembers Mary Norwood and Carla Smith to amend the City of Atlanta Code of Ordinances, Part 154, Division IV, Section 154-297, to recoup the cost to the City of Enforcement of the Grease Management Ordinance; to clarify the permit process; and for other purposes. **(Held 10/28/08 at the request of the author)**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-R-2162 (16) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta, to enter into a Memorandum of Understanding, with the Georgia Department of Transportation, for Project Management, Preliminary Engineering Design Activities and Construction and the acquisition of rights-of-way of certain improvements, for Transportation Enhancement Project No. CSTEE-0009-00(023), East Atlanta Sidewalks, Fulton County; and for other purposes. **(Held 11/10/08 at the request of the Department of Public Works.)**
- 08-R-2163 (17) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into a Lease Agreement with LAZ Parking Limited, LLC, on behalf of the Department of Watershed Management; for the lease of real property at 135 Forsyth Street, SW; providing the terms of such agreements, directing the City Attorney to prepare and approve as to form all necessary documents; and for other purposes. **(Amended and held 11/10/08 at the request of the Department of Watershed Management.)**
- 08-R-2419 (18) A Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with, \_\_\_\_\_, for FC-4750 Automation of Hemphill Chattahoochee Water Treatment Plants on behalf the Department of Watershed Management, in an amount not to exceed \_\_\_\_\_ that all services for said contracted work shall be charged to and paid from \_\_\_\_\_ (to built by Finance Department); and for other purposes. **(Held 12/9/08 for further review.)**

**H. REQUESTED ITEM**

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

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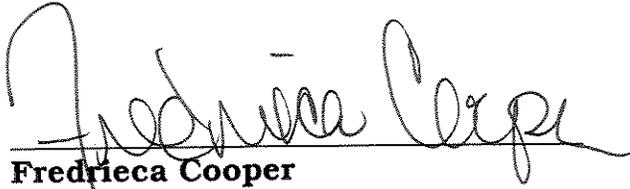
**I. ITEM NOT ON THE AGENDA**

09-R-0198 ( 1) A Resolution by Councilmember Anne Fauver **as amended by City Utilities Committee** authorizing the Mayor to enter into Amendment Agreement No. 2 with Shaheed's Construction for FC-3007000005, Cascade-Mays Streetscape Project, to add additional Streetscape and Sidewalk Services for Lenox Road Sidewalk Project on behalf of the Department of Public Works in an amount not to exceed \$55,000.00 with all contracted work being charged to and paid from Fund, Department and Account Number: 3502 (General Government Capital Outlay Fund) 130308 (DPW Transportation Design) 1\*\*\*\* (Lenox Road Sidewalks) and PTAE0 Numbers: 131\*\*\*\*\*1\*\*350291795 5\*\*\*\*\* COA; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

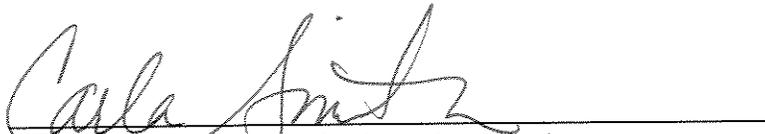
**FAVORABLE AS AMENDED**

**There being no further business to come before the Committee, the meeting was adjourned at 11:35 a.m.**

**Respectfully Submitted:**

  
\_\_\_\_\_  
**Fredrica Cooper  
Legislative Assistant**

  
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**Alfred Berry, Jr.  
Research and Policy Analyst**

  
\_\_\_\_\_  
**The Honorable Carla Smith, Chair  
City Utilities Committee**